

# Notice of Allowability

## Application No.

10/728,155

## Examiner

Jennifer R. Sadula

## Applicant(s)

LYNCH ET AL.

## Art Unit

1756

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of 4/12/2003.
2. ☒ The allowed claim(s) is/are 1-49 (wherein 39 and 40 are renumbered).
3. ☒ The drawings filed on 12 April 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/12/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION*****Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 4/12/03 has been considered by the examiner. However, the examiner wishes to note that these references merely submitted with English translations of an abstract have only been considered on the merits of that which was in English and no more. Those references submitted without a date of public access, publication date, or author have not been considered. Any reference which is repeated on different sheets of the IDS submitted have only been considered one time and any additional transcriptions crossed through. The final page of this submission was a copy of the notices of references cited by an examiner in another case. All but one of these references is a repeat of a formerly-noted reference on the submission. The lone new-submission is Dungstad et al. and thus the Examiner has considered this reference but noted it on her own PTO-892 form as the original 892 form is not a proper IDS submission. Lastly, those references submitted with merely a hyperlink address have not been considered as these addresses may change over time and are thus not proper citations.

***Reasons for Allowance***

Claims 1-49 are allowed. The following is an examiner's statement of reasons for allowance: The Applicants claim a cubic liquid crystalline phase precursor, gel or dispersion comprising a hydrotrope and an amphiphile capable of forming a cubic liquid crystalline phase in specified proportions relative to one another and with the proviso that the composition comprising the combination of elements a, b, and c does not fall within a cubic liquid crystalline phase region on a phase diagram representing the combination of elements A, B and C. The

Art Unit: 1756

invention may further comprise optional solvent (C). These conditions must be satisfied in accordance with the Applicants' argued definition of a hydrotrope (see arguments page 2-3). Furthermore, Examiner notes that with regard to claims 16, 36, 37, 48 and 49 that the addition of component D (a "stabilizer" or an "active ingredient") does not affect the mass fraction ratios of A, B, or optionally C. Furthermore, with regard to claim 44 the step of adding water may not be present as C may equal zero (0).

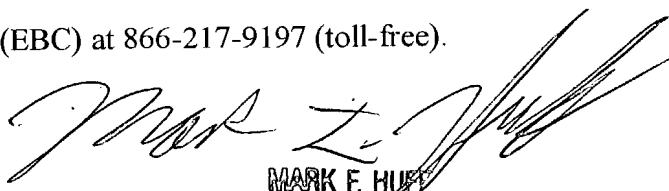
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer R. Sadula whose telephone number is 571.272.1391. The examiner can normally be reached on Monday through Friday, 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff can be reached on 571.272.1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRS  
2.29.04



MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700